

Paper

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Filed on behalf of : Party Dietz-Band  
By:  
Jorge A. Goldstein, Esq.  
Karen R. Markowicz  
1100 New York Avenue, NW  
Washington, D.C. 20005-3934  
Tel: (202) 371-2600  
Fax: (202) 371-2540

## COPY FOR JUDGE

### UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Sally Gardner Lane)

JEANNE DIETZ-BAND,  
WANG-TING HSIEH, and JOHN F CONNAUGTON

Junior Party,  
(Patent 6,414,133)

v.

JOE W. GRAY,  
DANIEL PINKEL, and DOUGLAS TKACHUK  
Senior Party,  
(Application 10/608,092)

Patent Interference No. 105,208

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DIETZ-BAND REQUEST FOR FILE COPIES

MAIL STOP INTERFERENCE  
Board of Patent Appeals and Interferences  
U.S. Patent and Trademark Office  
P.O. Box 1450  
Alexandria, VA. 22313-1450

Sir:

Pursuant to the DECLARATION OF INTERFERENCE, mailed March 29, 2004, Party Dietz-Band hereby submits a completed FILE COPY REQUEST form, as well as a copy of Part E of the DECLARATION OF INTERFERENCE with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is desired.

Respectfully submitted,



Jorge A. Goldstein  
Lead Attorney for Party Dietz-Band  
Registration No. 29,021

Date: 4/12/04  
STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, NW  
Washington, D.C. 20005-3934

**CERTIFICATE OF SERVICE**

I, Jorge A. Goldstein, hereby certify that a copy of the foregoing DIETZ-BAND REQUEST FOR FILE COPIES, filed April 12, 2004, has been served on the attorney of record of Party Gray via Federal Express on this 12<sup>th</sup> day of April, addressed as follows:

Danny Huntington  
Burns, Doane, Swecker & Mathis LLP  
1737 King Street, Suite 500  
Alexandria, VA 22314

Respectfully submitted,

  
\_\_\_\_\_  
Jorge A. Goldstein  
Lead Attorney for Party Dietz-Band  
Registration No. 29,021

Date: 4/12/04

STERNE, KESSLER, GOLDSTEIN & FOX P.L.L.C.  
1100 New York Avenue, NW  
Washington, D.C. 20005-3934

251469.1

**Part I: Order form for requesting file copies**

**FILE COPY REQUEST**

**Interference 105,208**

A copy of Part E of this NOTICE DECLARING INTERFERENCE should be attached to this FILE COPY REQUEST, with a circle by hand around the patents and applications for which a copy of a file wrapper is desired.

To facilitate processing of this FILE COPY REQUEST, the following information should be included:

1. Charge fees to USPTO Deposit Account No. 19-0036
2. Complete address, including street, city, state, zip code and telephone number (do not list a Post Office box inasmuch as file copies are sent via commercial overnight courier).

Sterne, Kessler, Goldstein & Fox P.L.L.C.

1100 New York Avenue, N.W.

Washington, DC 20005

Telephone, including area code: 202-371-2600

**Part E. The parties involved in this interference are:**

**Junior Party**

Named inventors:           **JEANNE DIETZ-BAND**  
                                  Deerwood, Maryland

**WANG-TING-HSIEH**  
                          Bethesda, Maryland

**JOHN F. CONNAUGTON**  
                          Laytonsville, Maryland

Application:               09/170,630, filed 13 October 1998,  
                                 issued as patent 6,414,133 on 2 July 2002

Title:                      MULTIPLE FUSION PROBES

Assignee:                  Ventana Medical Systems, Inc.

Accorded Benefit:         None

Attorneys:                 See last page

Address:                 See last page

Senior Party

Named Inventors: JOE W. GRAY  
Livermore, CA

DANIEL PINKEL  
Walnut Creek, CA

DOUGLAS TKACHUK  
Livermore, CA

Application: 10/608,092 filed 30 June 2003 (IFW IMAGE)

Title: CHROMOSOME-SPECIFIC STAINING TO DETECT  
GENETIC REARRANGEMENTS

Assignee: None of record

Accorded Benefit: US 09/765,291, filed 22 January 2001 (IFW IMAGE);  
US 08/487,974, filed 7 June 1995,  
issued as patent 6,280,929 on 28 August 2001;  
US 08/342,028, filed 16 November 1994;  
US 08/181,367, filed 14 January 1994;  
US 08/054,353, filed 28 April 1993; and  
US 07/537,305, filed 12 June 1990

Attorneys: See last page

Address: See last page

*Copy for Administrative Patent Judge*

Paper No. 12

Filed on behalf of: Senior Party Gray  
By: R. Danny Huntington, Esq.  
Malcolm K. McGowan, Ph.D., Esq.  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
1737 King Street, Suite 500  
Alexandria, Virginia 22314  
Tel: (703) 836-6620  
Fax: (703) 836-2021

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge Sally Gardner Lane)

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JEANNE DIETZ-BAND,  
WANG-TING HSIEH, and JOHN F. CONNAUGTON

Junior Party,  
(Patent 6,414,133),

v.

JOE W. GRAY,  
DANIEL PINKEL, and DOUGLAS TKACHUK

Senior Party,  
(Application 10/608,092).

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AND INTERFERENCES

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Patent Interference No. 105,208

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GRAY REQUEST FOR FILE COPIES

Mail Stop INTERFERENCE  
Board of Patent Appeals and Interferences  
United States Patent and Trademark Office  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Madam:

Pursuant to § 6 of the Standing Order, counsel for Senior Party Gray hereby requests a copy of the following Junior Party file histories:

6,414,133      Issued July 2, 2002  
09/170,630      Filed October 13, 1998

Counsel for Senior Party Gray hereby also requests a copy of the following Senior Party file histories:

10/608,092	Filed June 30, 2003
09/765,291	Filed January 22, 2001
6,280,929	Issued August 28, 2001
08/487,974	Filed June 7, 1995
08/342,028	Filed November 16, 1994
08/181,367	Filed January 14, 1994
08/054,353	Filed April 28, 1993
07/537,305	Filed June 12, 1990

The completed order form for requesting file copies (Part I), included in the Notice Declaring Interference, and Part E of the Notice Declaring Interference are attached hereto.

Please send the copies to:

R. Danny Huntington, Esq.  
BURNS, DOANE, SWECKER & MATHIS, L.L.P.  
1737 King Street, Suite 500  
Alexandria, Virginia 22314

Please charge any costs associated with this request to counsel's deposit account number 02-4800..

If there are any questions, please contact the undersigned attorney at the number listed below.

Respectfully submitted,

BURNS, DOANE, SWECKER & MATHIS, L.L.P.

By:

R. Danny Huntington  
R. Danny Huntington, Esq.  
Malcolm K. McGowan, Ph.D., Esq.  
Counsel for Senior Party GRAY

P.O. Box 1404  
Alexandria, Virginia 22313-1404  
(703) 836-6620

April 12, 2004

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the attached **GRAY REQUEST FOR FILE COPIES** was served on April 12, 2004, by pre-paid overnight courier service on counsel for Junior Party Dietz-Band as follows:

Huw R. Jones, Esq.  
VENTANA MEDICAL SYSTEMS, INC.  
1910 Innovation Park Drive  
Tucson, Arizona 85737

*Tanya A. Childress*  
Tanya A. Childress

Part E. The parties involved in this interference are:

Junior Party

Named inventors: JEANNE DIETZ-BAND  
Deerwood, Maryland

WANG-TING-HSIEH  
Bethesda, Maryland

JOHN F. CONNAUGTON  
Laytonsville, Maryland

Application: 09/170,630, filed 13 October 1998,  
issued as patent 6,414,133 on 2 July 2002

Title: MULTIPLE FUSION PROBES

Assignee: Ventana Medical Systems, Inc.

Accorded Benefit: None

Attorneys: See last page

Address: See last page

Senior Party

Named Inventors: JOE W. GRAY  
Livermore, CA

DANIEL PINKEL  
Walnut Creek, CA

DOUGLAS TKACHUK  
Livermore, CA

Application: 10/608,092 filed 30 June 2003 (IFW IMAGE)

Title: CHROMOSOME-SPECIFIC STAINING TO DETECT  
GENETIC REARRANGEMENTS

Assignee: None of record

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US 07/537,305, filed 12 June 1990

Attorneys: See last page

Address: See last page

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**FILE COPY REQUEST**

Interference 105,208

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R. Danny Huntington, Esq.

Burns, Doane, Swecker & Mathis, L.L.P.

1737 King Street, Suite 500

Alexandria, VA 22314

Telephone, including area code: (703)836-6620